To: Card, Joan[Card.Joan@epa.gov]
Cc: McGrath, Shaun[McGrath.Shaun@epa.gov]; Smith, Paula[Smith.Paula@epa.gov]; Ward, W. Robert[Ward.Robert@epa.gov]
From: Ostrander, David
Sent: Mon 9/14/2015 11:17:05 PM
Subject: RE: R8 Q&As

Revised with Bob Ward comments

From: Card, Joan
Sent: Monday, September 14, 2015 5:09 PM
To: Ostrander, David
Cc: McGrath, Shaun; Smith, Paula
Subject: Re: R8 Q&As

Ok by me. Pending Shaun.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Sep 14, 2015, at 5:06 PM, Ostrander, David <Ostrander.David@epa.gov> wrote:

Final??

Q: Can you verify whether EPA caused a 1-2 gallon spill of diesel fuel on a property owner's land. How is this related to the GKM spill and what have you done about it?

A: EPA had placed a generator on the property on the property of Li'l Fishes to assist the owner with maintaining the health of his fish ponds after the GKM release. The generator

powered an aerator and/or water hose for the ponds. On September 10, 2015, the property owner reported that some diesel spill had spilled on the ground from the generator. He reportedly told another party that the volume was 1-2 gallons. An EPA On-Scene Coordinator responded the same day accompanied by EPA contractors. The OSC did not see or smell any evidence of a fuel spill. The OSC requested the property owner to delineate the area of the spill, and he pointed to an area approximately 4 feet wide by 4 feet long. Despite seeing no evidence of a fuel spill, the OSC directed the contractors to conduct a shallow scrape of soil approximately one inch deep, drum up the soils, and take them off-site for proper disposal. The OSC directed the contractors to take a confirmation sample after the removal of soils and those laboratory results are pending. The area in question was approximately 25 feet from one of the fish ponds. The OSC contacted the Colorado Department of Public Health and Environment spill line and described the circumstances, and CDPHE stated that in these circumstances, only spills over 25 gallons needed to be reported. The alleged spill was not reported to the NRC as there was no impact or threat to surface water. Sample results will be provided to the property owner when they are available.

Q: September 9, 2015 Article in Colorado Watchdog.org entitled "Colorado mine owner: EPA lied in congressional hearing", Todd Hennis, Gold King's owner is quoted as saying:

"It shows there was no flow of water coming out," Hennis said. "They are calling it an act of God when it was an act of government. The photos clearly show the EPA backfilled the portal to block water from coming out and they blocked the discharge pipes at the same time." "It's absolute baloney of the worst sort," Hennis said immediately after the hearing. "They blocked off the flow of water out of the drain pipes and they created the huge wall of water in the Gold King by their actions last year."

Is it true that EPA caused the impoundment of water in the GKM adit and blocked the discharge pipes through its actions?

A: On September 11, 2014, work began to remove the material that was blocking access to the Gold King adit. The work stopped when it was determined that the elevation of the adit floor was estimated to be six (6) feet below the waste-dump surface elevation. The presence of water below two (2) 24-inch pipes indicated the current flow of water was coming out at least four (4) feet below the roof of the adit, indicating approximately six (6) feet of impounded water above the estimated adit floor elevation. On September 12, 2014 two (2) 12 inch diameter drain pipes were placed at the base of the rock debris / blockage to capture the on- going mine water drainage and direct flow into the existing channel installed by DRMS. The area was backfilled and a berm was placed behind the pipe to prevent rock debris or soil from blocking the concrete channel and pipe outlets. **The addition of clean rock was well back from the adit blockage and did not cause any impoundment of water and the two drain pipes were flowing all of the discharge into the channel at the**

end of the work. These two pipes have a capacity of 4000 to 8000 gpm depending on the pipe slope / flow velocity and head, more than adequate to drain the existing discharge and not create any backup in the mine adit. The drain pipes were still flowing when workers returned to the site in 2015.